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9 March 1984

MEMORANDUM FOR: Deputy Director, Office of Legislative Liaison
NIO/Narcotics and East Asia
[redacted]
C/ILD/OGC

FROM: [redacted]
Legislation Division
Office of Legislative Liaison

SUBJECT: S. 1787 -- National Narcotics Act of 1984

REFERENCE: Memorandum to multiple addresses from
[redacted] dated 18 February 1984,
same subject.

1. The purpose of this memorandum is to provide further details of the Senate's consideration and passage of S. 1787, Senator Biden's "Drug Czar" Bill.

2. As noted in the referenced memorandum, S. 1787 was modified in committee along with the lines of a Department of Justice (DOJ) compromise draft. As modified, S. 1787 passed the Senate on 7 February 1984 and was referred jointly to the Subcommittee on Crime of the House Committee on the Judiciary and the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce. Neither subcommittee has scheduled any action on S. 1787.

3. Prior to the passage of S. 1787, I contacted Cary Copeland of the DOJ Office of Legislative Affairs to obtain a copy of their proposed compromise, but Cary refused to provide me a copy claiming that he had been specifically instructed not to do so. Beyond this, he assured me that the compromise proposal had been coordinated with the CIA at the Director's level. Following the passage of S. 1787, I contacted Cary Copeland to discuss DOJ's views on S. 1787 as it passed the Senate. In contrast to our earlier discussion, Cary volunteered to send me the original DOJ compromise language with annotations indicating where the Senate had made changes. (A copy of this document is attached.)

4. Concerning specific provisions in S. 1787, Cary said that Senator Biden added those changes that made the Attorney General the Chairman of the new National Drug Law Enforcement Policy Board and that gave the Chairman specific authority to execute the Board's decisions. Cary noted that the Justice Department strongly supports these changes, although they are cautious that their support not appear too self-serving. As a counterbalance, Cary noted that another change to the DOJ compromise proposal ensured that the Board would not interfere with the routine law enforcement or intelligence decisions of any agency.



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A BILL

To establish a National ~~and International~~ Drug ~~Law~~ Enforcement Policy
Coordinating Board.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Narcotics Act of 1983".

SEC. 2. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be ⁿ \$80,000,000,000 ^{per annum} ~~a year~~ industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 per cent~~um~~ of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 per cent~~um~~ of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates^{, a situation} which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National ~~and International~~ Drug Law Enforcement^{Policy} Coordinating Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a Board^{must} ~~will~~ have responsibility for coordinating the operations of Federal agencies involved in attacking this problem^{through the development of policy and resources,} so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure --

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, ^{chaired by the Attorney General,} will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 3. There is established in the executive branch of the Government a Board to be known as the "National ~~and Inter-~~ Policy ~~national Drug Law Enforcement~~ ^{Coordinating} Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a Chairman ^{who shall be the Attorney General} (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget and the Director of Central Intelligence and such other officials as may be appointed by the President. > Decisions made by the Board pursuant to section 4(a) of this act shall be acknowledged by each member thereof in writing.

SEC. 4. ^b ~~(1) The Chairman shall be the Attorney General.~~

For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement ^{and implementing the determinations of the Board} it shall be the duty of the Chairman

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(Move to follow new (a) on next page)

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board; ~~and~~

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(4) to perform such other duties as the President may direct.

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(b) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the ~~The~~ Board shall have the responsibility, and is authorized to --

(1) review, evaluate and develop United States Government policy ^a strategy and resources with respect to illegal drug law enforcement efforts ^a including budgetary priorities and a National and International Drug Law Enforcement Strategy

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(c) In carrying out ~~its~~ responsibilities under ^{this section, the Chairman,} ~~subsection~~ ^{on behalf of} ~~the Board~~ ^{the Board} is authorized to --

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

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(~~1~~) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

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(~~1~~) accept and use donations of property from all government agencies; and

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(~~1~~) use the mails in the same manner as any other department or agency of the executive branch.

^e
(~~1~~) The Administrator of the General Services Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 5. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

(d) Notwithstanding the authority granted in subsection (a) of this Section, the Board shall not interfere with routine law enforcement or intelligence decisions of any agency.

"(d) Support to National ~~and International~~ Drug ~~Law~~ Enforcement ^{Policy}~~Coordinating~~ Board. One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National ~~and International~~ Drug ~~Law~~ Enforcement ^{Policy}~~Coordinating~~ Board and the health issues associated with drug abuse.

SEC. 7. This Act shall be effective January 20, 1985.